THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1281 OF 2007

DATED: 23-01-2007

BETWEEN

Taneeru Venkateshwarlu, S/o. Ramaiah,
R/o. Maddukuru, Chandrugonda Mandal,
Khammam District.

...PETITIONER

AND

The Government of A.P., rep. by its
Secretary, Tribal Welfare Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the order dated 18.11.2006 in C.M.A.No.9 of 2004 passed by the second respondent confirming the order dated 15.10.2003 in LTR Case No.171/97/CHG, passed by the third respondent as illegal and arbitrary.

2. It is the case of the petitioner that he is the owner and possessor of an extent of Ac.2.27 guntas of land in Sy.No.5/AA of Damercharla Village, Chandrugonda Mandal, Khammam District, purchased by him on 10.04.1966 and pattedar passbook was also issued in his favour under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. It is stated that at the instance of the fifth respondent a report has been filed by the Special Deputy Tahsildar, Tribal Welfare, Palvanch before the Agency Divisional Officer in LTR No.171/97/CHG for the alleged violation of land transfer regulations under the Andhra Pradesh Schedule Areas Land

Transfer Regulation, 1959 read with Section 1/70. The third respondent after making an enquiry by order dated 15.10.2003 directed ejectment of the petitioner and to take possession of the said land to distribute the same to the poor. Aggrieved by the same the petitioner filed CMA.No.9 of 2004 before the Additional Agent to the Government, Bhadrachalam, Khammam District – the second respondent, who dismissed the appeal after hearing the petitioner. Assailing the said order the petitioner filed a revision before the Secretary to the Government, Tribal Welfare Department, Secretariat, Hyderabad, under Section 6 of the Andhra Pradesh Schedule Areas (Land Transfer Regulations) 1959 along with stay application. It is further stated that the petitioner is in continuous possession and enjoyment of the said land for more than 40 years and he has been cultivating the same.

3. As the revision is pending before the Government, I am of the opinion that it may not be just and proper to dispossess the petitioner from the said land pending disposal of the revision.

The writ petition is accordingly disposed of directing the first respondent to consider and dispose the revision filed by the petitioner against the order in C.M.A.No.9 of 2004, after giving reasonable opportunity to all the concerned. Pending revision the petitioner shall not be dispossessed. There shall be no order as to costs.

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V. ESWARAIAH, J

January 23, 2007
Note: Issue wire at party's costs.
(**B/o**)
DSK